

## REMARKS

Claims 28-112 are pending. Claims 31, 54, 76 and 96 have been canceled and independent claims 28, 50, 72 and 94 have been amended to insert the limitations of claims 31, 54, 76 and 96, respectively. The following amendments have been made to correct typographical errors: claim 28 has been amended to insert “expansible”; claims 33-34, 38, 55-56, 60, 77-78, 82, 97-98 and 102 have been amended to insert “acrylic”; and claim 72 has been amended to insert “apertured”. Claim 82 has also been amended to insert “is” to correct a grammatical error. No new matter has been added. Reconsideration and allowance of this application is respectfully requested.

### **Rejection under 35 U.S.C. §101**

Claims 28-30, 50-53, 72-75, 94 and 95 were rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1-3, 5, 6, and 9-11 of U.S. Patent No. 5,843,089.

Applicants have amended claims 28, 50, 72 and 94 to insert the limitations of claims 31, 54, 76, and 96, which the Examiner indicated would be allowable. Applicants respectfully request reconsideration and withdrawal of this rejection.

### **Nonstatutory Double Patenting Rejection**

Claims 28, 29, 50, 51, 72, 73 and 94 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 5,685,847 (“‘847”).

Applicants respectfully traverse and maintain that claims 28, 29, 50, 51, 72, 73 and 94 are not obvious over claim 1 of the ‘847 patent. Claims 28, 29, 50, 51, 72, 73 and 94 are directed to methods of lining a stent, whereas claim 1 of the ‘847 patent is directed to a catheter assembly. In the presently claimed methods of lining a stent, inflation of a balloon [of which at least a portion is coated with a crosslinked hydrogel, said balloon having an expansible stent is mounted thereon] lodges the stent in a body lumen and releases the hydrogel to an inner surface of said stent as a lining.

The catheter assembly of the ‘847 patent comprises *inter alia* an expansible means for deployment of the stent by expansion of expansible means and delivery means for delivering a therapeutic agent proximate the stent and adjacent portions of the patient’s vessel, however, the catheter assembly does not line the stent upon expansion of the expansible means.

Moreover, claims 28, 29, 50, 51, 72, 73 and 94 require a hydrogel coating, as specified in independent claims 28, 50, 72 and 94, whereas the '847 patent does not recite any hydrogel coating. Therefore, claim 1 of the '847 patent does not render obvious presently pending claims 28, 29, 50, 51, 72, 73 and 94. Applicants respectfully request reconsideration and withdrawal of this rejection.

**Allowable Subject Matter**

The Examiner objected to claims 31-49, 54-71, 76-93 and 96-112 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claim.

Applicants have amended independent claims 28, 50, 72 and 94 to include the subject matter of claims 31, 54, 76, and 96, which originally depended respectively thereon, thereby rewriting the previously dependent claims into independent format, which the Examiner has indicated would be allowable. Applicants respectfully request reconsideration and withdrawal of this rejection.

In view of the foregoing amendments and remarks, it is firmly believed that the subject invention is in condition for allowance, which action is earnestly solicited.

Respectfully submitted,

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